

## Report on Research Compliance Volume 19, Number 5. April 21, 2022 After Researcher's Conviction on Some Counts, Attorney Chides Universities, Sees 'No Harm'

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By Theresa Defino

In an address at George Mason University in February, U.S. Assistant Attorney General Matthew Olsen said the government had “heard concerns from the civil rights community that the ‘China Initiative’ fueled a narrative of intolerance and bias.”<sup>[1]</sup> Olsen was referring to the prosecution of dozens of individuals of mostly Chinese descent, many of them university professors, for allegations of grant fraud, undisclosed foreign ties and undeclared conflicts of interest.

The complaints, which weren’t just from the civil rights community, had prompted a review that convinced Olsen, as he put it, “this initiative is not the right approach.” Yet, despite being widely interpreted as a move by the government to abandon the China Initiative, there have been no discernable changes, attorney Peter Zeidenberg, who represents accused scientists, told RRC.

An indication of a shift would have been dismissal of charges against Zeidenberg’s client Feng “Franklin” Tao before trial, he said, and against those in other “pending grant fraud cases that [don’t] involve any national security interests.” Instead, the government went forward with the prosecution of Tao, a University of Kansas (KU) associate professor of chemical engineering, on eight charges.

After a 12-day trial featuring more than 30 witnesses for the prosecution (and three for Tao), the jury deliberated a day-and-a-half and, on April 7, announced a split verdict: guilty on four of eight counts—three for wire fraud and one for making a false statement—and not guilty on three other charges for wire fraud and one of making a false statement. The charges each carry from 10 to 25 years in prison and fines from \$250,000 to \$500,000.

Yet Tao remains hopeful Julie A. Robinson, senior district judge for the District of Kansas, will reverse the jury’s verdict, Zeidenberg said. He also told RRC universities need to start standing up to the government to thwart the criminalization of what he termed “trivial documentation errors.”<sup>[2]</sup> Research institutions also need to step up their training of principal investigators (PIs) on completing disclosure forms, he added.

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